

**REAL ESTATE BOARD
MINUTES
FEBRUARY 23, 2006**

PRESENT: Richard Kollmansberger, Lloyd Levin, Dennis Pierce, Ryan Schroeder, Peter Sveum, Maria Watts, Lisabeth Weirich

STAFF PRESENT: Tim Wellnitz, Bureau Director; William Black, Legal Counsel; Roxanne Peterson, Direct Licensing Coordinator; Other Staff were present during portions of the meeting

GUESTS: Rick Staff, WRA

CALL TO ORDER

Richard Kollmansberger, Chair, called the meeting to order at 10:10 a.m. A quorum of seven members was present.

The Board welcomed Ryan Schroeder as a new public member to the Board.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Remove Item Uu. Administrative Warning re: 04 REB 262 DH, LF, JO, RESI

MOTION: Dennis Pierce, moved, seconded by Lloyd Levin, to adopt the agenda as amended. Motion carried unanimously.

ELECTION OF OFFICERS

Chair

MOTION: Lisabeth Weirich moved, seconded by Lloyd Levin, to nominate Peter Sveum as Chair and that nominations be closed and a unanimous ballot be cast. Motion carried unanimously.

Vice Chair

MOTION: Maria Watts moved, seconded by Dennis Pierce, to nominate Lisabeth Weirich as Vice Chair and that nominations be closed and a unanimous ballot be cast. Motion carried unanimously.

Secretary

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to nominate Maria Watts as Secretary and that nominations be closed and a unanimous ballot be cast. Motion carried unanimously.

Peter Sveum took over as Chair.

APPOINTMENTS BY BOARD CHAIR

Screening Panel:

Peter Sveum made the following appointments:

Real Estate Contractual Forms Advisory Committee – Peter Sveum
Real Estate Curriculum and Examination Council – Lisabeth Weirich
Screening Panel:

Screening Panel Team	Screening Panel Dates
Lloyd Levin, Dennis Pierce	March 30, June 22, September 28, December 21
Lizabeth Weirich, Richard	April 27, July 27, October 26
Kollmansberger, Ryan Schroeder	
Peter Sveum, Maria Watts	May 25, August 24, November 30

APPROVAL OF MINUTES (12/1/05)

MOTION: Dennis Pierce moved, seconded by Maria Watts, to approve the minutes of December 1, 2005 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT TIM WELLNITZ, BUREAU DIRECTOR

Larry Martin, the Department's Executive Assistant, met with the Board and congratulated the new leadership and thanked the past leadership.

Outreach Program

Mr. Martin advised that he and the Secretary have been traveling around the state in an outreach capacity meeting with local Board of Realtors.

Publication of a Brochure

Over the next months, the Department would like to work collaboratively with the Board on preparing and publishing a new real estate brochure. Mr. Martin invited Board members to contact Tim Wellnitz if they are interested in working with the Department on preparing such a publication.

Agendas and Addendum Policy

The Board received a copy of Kimberly Nania's January 4, 2006, memo regarding the agenda and addendum policy. Tim Wellnitz advised that the goal of the Department is to only post addendums that are of an urgent nature.

Quorum Confirmation Policy

Tim Wellnitz advised that Board members should inform the Bureau Director of any meeting dates in which they will not be able to attend. If the Bureau Director does not hear from a Board member, the Bureau Director will assume that the Board member will be attending the scheduled meeting.

A quorum check will not be conducted prior to each scheduled Board meeting. The only time the Bureau Director will conduct a quorum check will be if two or more Board members contact the Bureau Director indicating they will not be able to attend the upcoming scheduled meeting.

Some Board members expressed their displeasure with this new policy and strongly recommended that the Department reconsider maintaining the quorum check.

Hotel Reservations Policy & Hotel No-Show Policy

Mr. Wellnitz reported that the Department has selected the Comfort Inn & Suites at 4822 E. Washington Ave in Madison for all 2006 hotel reservations.

If a Board member is not going to use the reserved hotel room, it is the responsibility of the Board member to cancel the room by calling the hotel themselves. If the hotel room is not cancelled, the Board member may be responsible to pay the hotel bill as a no-show.

Out-of-State Travel Policy

Tim Wellnitz reiterated the Department's out-of-state travel policy that the Department will pay for one Board member to attend one out-of-state conference in a fiscal year, upon motion made by the Board and upon Department approval.

2006 Meeting and Screening Dates

The Board received the list of 2006 meetings and screening dates.

Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Releases

Noted.

PRESENTATION OF PROPOSED STIPULATIONS BY THE DIVISION OF ENFORCEMENT

There were no presentations of proposed stipulations by the Division of Enforcement in the following matters.

1. Tom K. Nielsen (03 REB 017)

2. Michael J. Schwantes d/b/a. Creative Real Estate Associates Inc (03 REB 109)
3. Thomas J. Utrecht (03 REB 205)
4. Candice J. Mueller, Beth A. Colaizy, Colaizy LLC (03 REB 285)
5. James M. Gordon, G & R Realty Inc (04 REB 017)
6. Jeffrey R. Funnell, JCF Property Management LLC (04 REB 211)
7. Richard C. Neeb d/b/a Richard C. Neeb Realty (04 REB 221)
8. Theresa Bourdon (04 REB 284)
9. Julie A. Hand (04 REB 284)

LEGISLATION AND ADMINISTRATIVE RULES

AB 783 Chapter 452 Rewrite

Tim Wellnitz reported that Governor Doyle signed AB 783 on December 29, 2005. This bill makes numerous changes to existing real estate law as it relates to brokers and salespersons.

EDUCATION AND EXAMINATIONS BARB SHOWERS

Barbara Showers, Director, Office of Examinations, reported that the Real Estate Curriculum Council met on February 16, 2006. The Council is appointed by the Governor to advise the Department on topics relating to continuing education curriculum and test-out examination development.

The Board received a draft copy of the February 16, 2006, Real Estate Curriculum Council minutes.

MOTION: Lloyd Levin moved, seconded by Richard Kollmansberger, to recommend to the Department to accept the course outlines of Modules 1, 2, 3, and 4. Motion carried unanimously.

The Board discussed the Council's recommendation relating to the commercial broker continuing education.

MOTION: Lloyd Levin moved, seconded by Richard Kollmansberger, to recommend to the Department that, unless otherwise recommended by the Council or Board, the commercial brokers be required to take Module 3—New Developments and that commercial brokers be permitted to substitute for Module 1, Module 2 and Module 4 for a total of nine hours in courses taken to obtain or maintain a designation from CCIM, SIOR or IREM, provided that the licensees pass an exam at the end of the course(s) and that these courses be approved by the Department. Such commercial courses may include conferences, provided there is an exam. Such courses must also consist of no less than the number of hours in the general courses for which the commercial brokerage courses are substituting. Motion carried unanimously.

RECIPROCAL AGREEMENT

The Board discussed the November 7, 2005, letter from the Pennsylvania State Real Estate Commission requesting that Wisconsin consider a reciprocal licensure agreement with Pennsylvania.

William Black, Legal Counsel, advised that the Department currently has reciprocal agreements with Illinois and Indiana.

Attorney Black will review and compare Pennsylvania's proposed agreement with Wisconsin's requirements. He will prepare an updated draft, incorporating Wisconsin's requirements in an agreement for Board review at a future Board meeting. The Board members were requested to email Mr. Black with any thoughts they may have in regards to a reciprocal agreement with Pennsylvania.

The Board requested that the Illinois and Indiana agreements be included in the agenda packet at that time.

PRACTICE ISSUES

Designated Agency-Broker Owner Limitations

The Board discussed Jay Reifert's January 20, 2006, letter regarding designated agency and sole proprietorship under specific circumstances. William Black will provide a written response to Mr. Reifert.

CONVENE TO CLOSED SESSION

MOTION: Lloyd Levin moved, seconded by Dennis Pierce, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (1) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Roll Call Vote: Richard Kollmansberger-yes; Maria Watts-yes; Lloyd Levin-yes; Dennis Pierce-yes; Lisabeth Weirich-yes; Ryan Schroeder-yes; Peter Sveum-yes. Motion carried unanimously.

Open session recessed at 11:35 a.m.

The Board deliberated on matters concerning monitoring, case closings, case status reports, proposed Stipulations, proposed Administrative Warnings, Orders affixing costs and a request for review of Petition for Review.

RECONVENE TO OPEN SESSION

MOTION: Richard Kollmansberger moved, seconded by Lloyd Levin, to reconvene into Open Session at 12:45 p.m.. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MONITORING REPORT

01 REB 056 Steven Gilbertson

MOTION: Richard Kollmansberger moved, seconded by Maria Watts, to grant Steven Gilbertson's request for reinstatement of full licensure. Motion carried unanimously.

CASE CLOSINGS

MOTION: Lloyd Levin moved, seconded by Maria Watts to close case **03 REB 017** against **Robert Nicholson and Burnett Realty, Inc.** due to no violation. Motion carried unanimously.

MOTION: Lloyd Levin moved, seconded by Maria Watts to close the following cases presented by the Division of Enforcement: Motion carried unanimously.

03 REB 086 for insufficient evidence.
03 REB 094 for insufficient evidence.
03 REB 122 for insufficient evidence.
03 REB 123 for no jurisdiction.
03 REB 151 for prosecutorial discretion (P5).
03 REB 184 for insufficient evidence.
03 REB 210 for prosecutorial discretion (P1).
03 REB 236 for insufficient evidence.
03 REB 238 for prosecutorial discretion (P1).
03 REB 242 for insufficient evidence.
03 REB 245 for prosecutorial discretion (P3).
03 REB 254 for prosecutorial discretion (P5).
04 REB 014 for no violation.
04 REB 017 for prosecutorial discretion (P2).
04 REB 094 for prosecutorial discretion (P4).
04 REB 232 for prosecutorial discretion (P2).
04 REB 273 for prosecutorial discretion (P5).
04 REB 288 for prosecutorial discretion (P4).
04 REB 297 for no violation.
05 REB 103 for insufficient evidence.

STIPULATIONS

TOM K. NIELSEN 03 REB 017

MOTION: Lloyd Levin moved, seconded by Dennis Pierce, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Tom K. Nielsen (03 REB 017)**. Motion carried unanimously.

MICHAEL J. SCHWANTES D/B/A CREATIVE REAL ESTATE ASSOCIATES, INC. 03 REB 109

MOTION: Lloyd Levin moved, seconded by Dennis Pierce, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Michael J. Schwantes d/b/a Creative Real Estate Associates, Inc. (03 REB 109)**. Motion carried unanimously.

THOMAS J. UTECHT 03 REB 205

MOTION: Lloyd Levin moved, seconded by Dennis Pierce, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Thomas J. Utecht (03 REB 205)**. Motion carried unanimously.

CANDICE J. MUELLER, BETH A. COLAIZY, COLAIZY LLC 03 REB 285

MOTION: Lloyd Levin moved, seconded by Dennis Pierce, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Candice J. Mueller, Beth A. Colaizy, Colaizy LLC (03 REB 285)**. Motion carried unanimously.

JAMES M. GORDON, G & R REALTY, INC. 04 REB 017

MOTION: Lloyd Levin moved, seconded by Dennis Pierce, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **James M. Gordon and G & R Realty, Inc. (04 REB 017)**. Motion carried unanimously.

JEFFREY R. FUNNELL, JCF PROPERTY MANAGEMENT LLC 04 REB 211

MOTION: Lloyd Levin moved, seconded by Dennis Pierce, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Jeffrey R. Funnell and JCF Property Management LLC (04 REB 211)**. Motion carried unanimously.

RICHARD C. NEEB D/B/A RICHARD C. NEEB REALTY 04 REB 221

MOTION: Lloyd Levin moved, seconded by Dennis Pierce, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Richard C. Neeb d/b/a Richard C. Neeb Realty (04 REB 221)** Motion carried unanimously.

THERESA BOURDON 04 REB 284

MOTION: Lloyd Levin moved, seconded by Richard Kollmansberger, to reject the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Theresa Bourdon (04 REB 284)** and refer the case back to the Division of Enforcement. Motion carried unanimously. Lisabeth Weirich abstained.

JULIE A. HAND 04 REB 284

MOTION: Lloyd Levin moved, seconded by Richard Kollmansberger, to reject the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Julie A. Hand (04 REB 284)** and refer the case back to the Division of Enforcement. Motion carried unanimously. Lisabeth Weirich abstained.

ADMINISTRATIVE WARNINGS

03 REB 210 SS

MOTION: Lloyd Levin moved, seconded by Maria Watts, to reject the Administrative Warning as written in the matter concerning **Shaun Sabol (03 REB 210)** and that the case be referred back to the Division of Enforcement. Motion carried unanimously.

JENNIFER L. GJERTSON 03 REB 161

MOTION: Richard Kollmansberger moved, seconded by Lloyd Levin, to accept the Administrative Warning as written in the matter concerning **Jennifer L. Gjertson (03 REB 161)**. Motion carried unanimously.

BLUEGREEN VACATIONS UNLIMITED, INC. 03 REB 286

MOTION: Richard Kollmansberger moved, seconded by Lloyd Levin, to accept the Administrative Warning as written in the matter concerning **Bluegreen Vacations Unlimited, Inc. 03 REB 286**. Motion carried unanimously.

MICHAEL MC KENZIE 03 REB 286

MOTION: Richard Kollmansberger moved, seconded by Lloyd Levin, to accept the Administrative Warning as written in the matter concerning **Michael McKenzie 03 REB 286**. Motion carried unanimously.

JON HAGEN 04 REB 094

MOTION: Richard Kollmansberger moved, seconded by Lloyd Levin, to accept the Administrative Warning as written in the matter concerning **Jon Hagen 04 REB 094**. Motion carried unanimously.

LORIE EMERSON 04 REB 288

MOTION: Richard Kollmansberger moved, seconded by Lloyd Levin, to accept the Administrative Warning as written in the matter concerning **Lorie Emerson 04 REB 288**. Motion carried unanimously.

HENDERSON GROUP, INC., AND ROBERT HENDERSON 05 REB 203

MOTION: Richard Kollmansberger moved, seconded by Lloyd Levin, to accept the Administrative Warning as written in the matter concerning **Henderson Group, Inc., and Robert Henderson 05 REB 203**. Motion carried unanimously.

**REVIEW AND CONSIDERATION OF ORDER AFFIXING COSTS
RONALD V. BEATON (01 REB 249)**

MOTION: Lloyd Levin moved, seconded by Maria Watts, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against **Ronald Beaton (LS0410191REB)**. Motion carried unanimously. Richard Kollmansberger did not participate in any discussion or voting.

**REVIEW AND CONSIDERATION OF RESPONDENT'S OBJECTION TO ORDER
AFFIXING COSTS RONALD V. BEATON (01 REB 249)**

MOTION: Lloyd Levin moved, seconded by Maria Watts, to deny the Respondent's Objections to Order Affixing Costs in the matter of disciplinary proceedings against **Ronald Beaton (LS0410191REB)**. Motion carried unanimously. Richard Kollmansberger did not participate in any discussion or voting.

SUCH OTHER ITEMS AS AUTHORIZED BY LAW

None.

ADJOURNMENT

MOTION: Lloyd Levin moved, seconded by Richard Kollmansberger, to adjourn the meeting at 12:50 p.m. Motion carried unanimously.

Next meeting: April 27, 2006